

So Ordered.

Dated: August 22nd, 2019



Frederick P. Corbit

Frederick P. Corbit
Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re:

No. 17-03545-FPC11

ROGER A. STADTMUELLER,

Debtor in Possession.

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW ON
CONFIRMATION OF SECOND
AMENDED PLAN**

THIS MATTER having come before the Court on August 8, 2019, on confirmation of Debtor's Second Amended Plan filed herein, as modified per Debtor's Supplement to the Plan [Dkt. No.250], the Stipulation as to U.S. Bank Trust NA [Dkt. No. 252], the Supplement as to Class 4 [Dkt. No. 263], the Stipulated Treatment as to Class 10 Secured Claim (Bank of America) [Dkt. Nos.265/277], the Supplement [Dkt. No. 281], the Stipulations being all fully incorporated herein by this reference (collectively, the "Plan"), the proposed Plan having been filed herein and having been transmitted to the Master Mailing List and all previously objecting parties, after proper notice, and the parties having resolved remaining objections, or the Court having overruled them, the objecting parties having been represented by counsel, and the Court having been fully advised, the Court now makes the following:

FINDINGS OF FACT AND CONCLUSIONS OF LAW ON
CONFIRMATION OF SECOND AMENDED PLAN- 1

Winston & Cashatt
A PROFESSIONAL SERVICE CORPORATION
1900 Bank of America Financial Center
601 West Riverside
Spokane, Washington 99201
(509) 638-6131

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2 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

3 1. The Debtor's Plan was submitted to Creditors and other parties in
4 interest.

5 2. The Plan has been accepted in writing by the creditors and equity
6 security holders whose acceptance is required by law.

7 3. The provisions of Chapter 11 have been complied with as both to the
8 Plan and the proponent; the Plan has been proposed in good faith and not by any
9 means forbidden by law.

10 4. The Plan provides (i) each holder of a claim or interest has accepted
11 the Plan or will receive or retain under the Plan property of a value, as of the
12 effective date of the Plan, that is not less than the amount that such holder would
13 receive or retain if the Debtor's estate was liquidated under Chapter 7 of the Code
14 on such date, or (ii) the Plan does not discriminate unfairly, and is fair and
15 equitable with respect to each class of claims or interests that is impaired under,
16 and has not accepted the Plan;

17 5. Any payment made or to be made by the proponents, by the Debtor,
18 or by a person issuing securities or acquiring property under the Plan, for services
19 or for costs and expenses in or in connection with the case, or in connection with
20 the Plan and incident to the case, has been approved by, or is subject to the
21 approval of, the court as reasonable.

22 6. With respect to each impaired class of claims or interests, each holder
23 of a claim or interest of such class has accepted the Plan; or will receive or retain
24 under the Plan on account of such claim or interest property of a value, as of the
25 effective date of the Plan, that is not less than the amount that such holder would
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1 so receive or retain if the Debtor were liquidated under Chapter 7 of Title 11
2 U.S.C. on such date.

3 7. With respect to a claim of a kind specified in 11 U.S.C. § 507(a)(8)
4 (taxes), the holder of such claim will receive on account of such claim regular
5 installment payments in cash-of a total value, as of the effective date of the Plan,
6 equal to the allowed amount of such claim; over a period ending not later than
7 five (5) years after the date of the order for relief under 11 U.S.C. §§ 301, 302, or
8 303; and in a manner not less favorable than the most favored non-priority
9 unsecured claim provided for by the Plan (other than cash payments made to a
10 class of creditors under section 11 U.S.C. § 1122(b).
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12 8. With respect to a secured claim which would otherwise meet the
13 description of an unsecured claim of a governmental unit under 11 U.S.C. section
14 507 (a)(8), but for the secured status of that claim, the holder of that claim will
15 receive on account of that claim, cash payments, in the same manner and over the
16 same period, as described in Paragraph 6, above.
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18 9. The value, as of the effective date of the Plan, of the property to be
19 distributed under the Plan on account of such claim is not less than the amount of
20 the claim, or the value of the property to be distributed under the Plan is not less
21 than the projected disposable income of the debtor as defined in § 1325(b)(2) to
22 be received during the 5-year period beginning on the date that the first payment
23 is due under the Plan, or during the period for which the Plan provides payments,
24 whichever is longer
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26 10. At least one class of claims that is impaired under the Plan has
27 accepted the Plan, determined without including any acceptance of the Plan by
28 any insider.
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1 11. Confirmation of the Plan is not likely to be followed by the
2 liquidation, or the need for further financial reorganization, of the Debtor or any
3 successor to the Debtor under the Plan, except for such liquidation or
4 reorganization as proposed in the Plan.

5 12. All U.S. Trustee fees payable under § 1930 of title 28, as determined
6 by the Court at the hearing on confirmation of the Plan, have been paid or the Plan
7 provides for the payment of all such fees on the effective date of the Plan.

8 13. All domestic support obligations that may have existed have been
9 settled and are to be paid pursuant to the terms of the Plan, as agreed to between
10 the parties thereto.

11 14. With respect to a class of secured claims the Plan provides that each
12 holder of a claim of such class receive or retain on account of such claim property
13 of a value, as of the effective date of the Plan, equal to the allowed amount of such
14 claim; or the holder of any claim or interest that is junior to the claims of such
15 class will not receive or retain under the Plan on account of such junior claim or
16 interest any property,

17 15. The Plan does not discriminate unfairly, and is fair and equitable,
18 with respect to each class of claims or interests that is impaired under, and has not
19 accepted, the plan.

20 NOW THEREFORE, having made the above Findings, the Court hereby
21 concludes:

22 The Plan, including all Modifications and agreed revisions is
23 confirmed.

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/// END OF ORDER ///

1 Presented by:
2 WINSTON & CASHATT, LAWYERS
3 /s/ Timothy R. Fischer

4 TIMOTHY R. FISCHER, WSBA No. 40075
5 Attorneys for Debtor-in-Possession
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